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# ELLIS:LAWHORNE

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March 2, 2006

**VIA ELECTRONIC MAIL AND HAND-DELIVERY**

The Honorable Charles L.A. Terreni  
Chief Clerk  
**South Carolina Public Service Commission**  
Post Office Drawer 11649  
Columbia, South Carolina 29211

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SC PUBLIC SERVICE  
COMMISSION

RE: Petition for Arbitration of Momentum Telecom, Inc. with BellSouth  
Telecommunications, Inc. *Pursuant to the Telecommunications Act of*  
1996  
**Docket No. 2006-54-C, ELS File No. 608-10104**

Dear Mr. Terreni:

Momentum Telecom submits the following corrections to the issues list filed by Momentum in its arbitration petition in Docket No. 2006-54-C. Counsel for BellSouth has reviewed this letter and concurs in these corrections.

I. Issue 33 should be stated as follows:

**What is the effective date of this agreement?**

**Petitioner's Position:**

This interconnection agreement should become effective on January 27, 2006, the day that the parties' prior interconnection agreement expired.

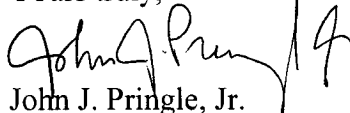
**BellSouth's Position:**

This interconnection agreement should become effective thirty days after execution.

II. The issues matrix omits sub-issues 10(a) and 10(b). Copies of the corrected pages of the matrix (pp. 17-19) are attached and should be substituted for the original pages.

With kind regards, I am

Yours truly,

  
John J. Pringle, Jr.

cc: All parties of Record  
Jeffrey M. Nelson, Esquire

**TRRO/FINAL RULES:**

What rates, terms, and conditions should govern the transition of existing network elements that BellSouth is no longer obligated to provide as Section 251 UNEs to non-Section 251 network elements and other services and (a) what is the proper treatment for such network elements at the end of the transition period, and (b) what are the appropriate rates, terms, and conditions during such transition period, for unbundled high capacity loops, high capacity transport, and dark fiber transport in and between wire centers that do not meet the FCC's non-impairment standards at this time, but that meet such standards in the future?

BellSouth's position is that this issue addresses de-listed network elements for which there is no transition period or for which the transition period has already ended; including, entrance facilities, enterprise or DS1 level switching, OCN loops and transport, fiber to the home, fiber to the curb, fiber sub-loop feeder, and packet switching. Generally, these elements were addressed by the *TRRO*. Rates, terms and conditions for elements de-listed by the *TRRO* and which have a designated transition period, including those identified in subpart (b) above, are addressed by BellSouth under Issue 1.

Because the FCC eliminated the ILECs' obligation to provide unbundled access to these elements 2 years ago in the *TRRO*, CLECs that still have the rates, terms and conditions for these elements in interconnection agreements have reaped the benefits of unlawful unbundling of these elements for far too long. As such, with the exception of entrance facilities (which BellSouth is allowing CLECs to transition with their embedded base and excess dedicated transport), BellSouth should be authorized in the terms of the interconnection agreement, to disconnect or convert such arrangements upon 30 days written notice absent a CLEC order to disconnect or convert such arrangements. BellSouth should also be permitted to impose applicable nonrecurring charges.

Transitional price increases were established by the FCC for network elements that are no longer available under Section 251 at the following levels: for loop and transport elements, the transitional increase is 15%, while local switching rates were increased by \$1 per month. During the transition period, which runs from March 11, 2005 to March 10, 2006, transition pricing applies to Section 251 network elements. CLECs may still order allegedly de-listed UNEs in wire centers designated as non-impaired by BellSouth pursuant to the "self-certification" process described in *TRRO* para. 234. The *TRRO* contains provisions for true-ups back to the March 11, 2005 effective date of the *TRRO* in some limited circumstances. CompSouth's proposed contract language includes provisions for ordering different arrangements (including Section 271 checklist network elements) that will substitute for de-listed Section 251 UNEs. CompSouth is committed to an orderly transition of circuits to alternative arrangements, but are opposed to BellSouth's efforts to limit the application of the FCC-mandated transition rates by forcing CLECs onto higher-priced arrangements before the completion of the transition period.

For future designations of wire centers, CompSouth has proposed a process that BellSouth may utilize on an annual basis to identify additional wire centers it believes have satisfied the FCC's non-impairment standards. This process would require BellSouth to provide back-up data supporting its claims, and would permit review of such data by the Commission and interested parties. After such process is completed and final designations approved, CLECs should be provided a reasonable amount of time (for example, a minimum of 30 business days) to effect transitions off Section 251 UNEs no longer available in one of the designated

		<p>wire centers.</p> <p>For those existing UNEs that BellSouth is not obligated to provide under Section 251, but which are not subject to the TRRO transition period (e.g., DS1 capacity and above "enterprise" Local Switching de-listed under Section 251 by the TRO), BellSouth should provide notice to a CLEc identifying specific service arrangements (by circuit identification number) that it no longer is obligated to provide and that the CLEc must disconnect or convert to other service arrangements. The CLEc may transition from these UNEs to other available UNEs, wholesale facilities provided by BellSouth, wholesale facilities obtained from other carriers or self-provisioned facilities. The CLEc should acknowledge receipt of such notice and will have thirty (30) days from the date of such notice to verify the list, notify BellSouth of initial disputes or concerns regarding such list, or select alternative service arrangements (or disconnection). If the CLEc fails to submit disputes or orders to disconnect or convert such TRO de-listed UNEs within such 30 day period, BellSouth may transition such circuits to the equivalent tariffed BellSouth service.</p> <p>For those service arrangements or services that BellSouth is not required to provide as Section 251 elements, there will be no service order, labor, disconnection, project management or other nonrecurring charges associated with the conversion and the conversion shall take place in a seamless manner without any customer disruptions or adverse affects to service quality. If CLEc</p>
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			chooses to convert DS1 or DS3 Loops to special access circuits, BellSouth will include such DS1 and DS3 Loops once converted within the CLEC's total special access circuits and apply discounts for which CLEC is eligible.
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**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

In Re: Petition for Arbitration of Momentum )  
Telecom, Inc. with BellSouth Telecommunications, )  
Inc. Pursuant to the Telecommunications Act of )  
1996 )

Docket No. 2006-54-C

This is to certify that I have caused to be served this day, one (1) copy of the **March 1, 2006 Letter to The Honorable Charles L.A. Terreni and Corrected Joint Issues Matrix** by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

Patrick W. Turner, Esquire  
BellSouth Telecommunications, Inc.  
1600 Williams Street  
Suite 5200  
Columbia SC 29201

Jeffrey M. Nelson, Esquire  
Office of Regulatory Staff  
Legal Department  
PO Box 11263  
Columbia SC 29211

  
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Carol Roof

March 2, 2006  
Columbia, South Carolina

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